

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

STEPHEN DOUGLAS DURHAM &
JENNIFER LYNN DURHAM

DEBTORS

§
§
§
§
§
§

CASE NUMBER: 15-42668-RFN

CHAPTER 13

JUDGE RUSSELL F NELMS

**MOTION TO DISMISS FOR FAILURE TO OBTAIN TIMELY CONFIRMATION
(DELAY)**

Now comes Tim Truman, Standing Chapter 13 Trustee and files this motion pursuant to Section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 9014, and would respectfully show unto the Court as follows:

This case should be **DISMISSED** for the following cause:

Debtors have failed to comply with the following Bankruptcy Rules which caused an unreasonable delay prejudicial to creditors per U.S.C. 1307 (c)(1):

DEBTORS' FAILURE TO OBTAIN TIMELY CONFIRMATION OF THE PLAN

WHEREFORE, your Trustee prays that after notice and hearing, this Chapter 13 case be **DISMISSED**.

/s/ Tim Truman

Tim Truman, Trustee/State Bar # 20258000

NOTICE OF HEARING TO THE DEBTORS AND DEBTORS' ATTORNEY OF RECORD:

You are hereby notified of the filing of the foregoing Trustee's Motion to Dismiss for Failure to Obtain Timely Confirmation. If a Response or Objection to the Trustee's Motion is filed, then this matter will be called at the docket call to be held at 8:30 AM on **November 05, 2015**, at **204 U.S. Courthouse, 501 West Tenth Street, Fort Worth, Texas**, with the hearing on the matter immediately following the conclusion of the docket call. **YOU DO NOT HAVE TO ATTEND THE COURT HEARING UNLESS YOU OPPOSE DISMISSAL OF THE CASE. ALL PAYMENTS DUE PRIOR TO THE HEARING MUST BE PAID CURRENT BY THE HEARING IN ORDER FOR THE TRUSTEE TO WITHDRAW THIS MOTION TO DISMISS.**

** Dated: October 05, 2015

STEPHEN DOUGLAS DURHAM &
JENNIFER LYNN DURHAM
1910 Pin Oak Lane
Dallas, TX 75253

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's "Motion to Dismiss with Certificate of Service and Notice of Hearing Thereon" was served on the parties listed below in the manner listed below on or before October 05, 2015.

/s/ Tim Truman

Tim Truman, Trustee/State Bar # 20258000

BY FIRST CLASS MAIL:

STEPHEN DOUGLAS DURHAM, JENNIFER LYNN DURHAM, 1910 Pin Oak Lane, Dallas, TX 75253-0000

ELECTRONIC SERVICE:

VIDA LAW FIRM PLLC, 3000 CENTRAL DR, BEDFORD, TX 76021

LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207

EDDIE R JIMENEZ, 4375 JUTLAND DR #200, PO BOX 17933, SAN DIEGO, CA 92177

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242